

1 **BEFORE THE BOARD OF MEDICAL EXAMINERS**
2 **OF THE STATE OF NEVADA**

3 * * * * *

4 **In The Matter of Charges and**)
5 **Complaint Against**)
6 **JOSEPH EDWARDS, M.D.,**)
7)
8 **Respondent.**)
9 _____

Case No. 10-9751-1

FILED

JUN 14 2011

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: _____

10 **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

11 The above-entitled matter came on regularly for decision before the Nevada State
12 Board of Medical Examiners, hereinafter "Board," on Friday, June 10, 2011, at the
13 Board's offices located at 1105 Terminal Way, Suite 301, Reno, Nevada, 89502, and by
14 video conference at the offices of the Nevada State Board of Dental Examiners located
15 at 6010 S. Rainbow Boulevard, Building A, Suite 1, Las Vegas, Nevada 89118, on the
16 Complaint filed herein. Respondent Joseph Edwards, M.D., hereinafter "Respondent,"
17 was present at the meeting in Las Vegas with counsel, John H. Pilkington, Esq.

18 The members of the Board participating in the decision were:
19 Benjamin J. Rodriguez, M.D.; Javaid Anwar, M.D., Beverly A. Neyland, M.D.,
20 Michael J. Fischer, M.D., Ms. Donna A. Ruthe and Mrs. Sue Lowden.
21 Henna Rasul, J.D., Deputy Attorney General, acted as legal counsel to the Board.

22 The Board, having received and read the Complaint and exhibits admitted in the
23 matter, as well as the Synopsis of Record prepared by the hearing officer who presided
24 over the hearing and the transcript of the hearing, proceeded to make a decision
25 pursuant to the provisions of NRS Chapters 233B and 630.

26 The Board, after due consideration of the record, evidence and law, and being
27 fully advised in the premises, makes its FINDINGS OF FACT, CONCLUSIONS OF LAW
28 AND ORDER in this matter as follows:

1 **FINDINGS OF FACT**

2 **I.**

3 Respondent held a license to practice medicine in the state of Nevada at all
4 relevant times.

5 **II.**

6 On October 11, 2010, the Investigative Committee of the Nevada State Board of
7 Medical Examiners filed the Complaint in this matter alleging a violation of Chapter 630
8 of the Nevada Revised Statutes.

9 **III.**

10 On March 2, 2011, a hearing was held before an appointed hearing officer on the
11 allegation contained within the Complaint. Respondent was present with counsel,
12 John H. Pilkington, Esq. The Investigative Committee was represented by
13 Lyn E. Beggs, Esq.

14 **IV.**

15 In December 2003, Board staff, on behalf of the Investigative Committee,
16 requested Respondent to provide a response and records related to a matter before the
17 Committee. Board staff was notified in early 2004 that Respondent was represented by
18 counsel and that the requested response would be forthcoming. No response or records
19 was received and several more requests were made for the requested information.

20 On May 12, 2010, the Committee issued an Order which was personally served
21 on counsel for Respondent, and was served on Respondent by certified mail, ordering
22 that a response and records regarding the matter before the Committee be produced
23 within ten days of service of the Order. No records or response were received by the
24 Committee or Board staff subsequent to services of the Order.

25 The Committee issued a subsequent Order on August 4, 2010, which was
26 personally served on counsel for Respondent, ordering Respondent to appear before
27 the Committee on August 27, 2010, in Reno, Nevada to explain why he had failed to
28 comply with the May 12, 2010 Order of the Committee and the previous attempts to

1 secure a response and records, and ordering that the requested materials be provided
2 at the time of the meeting.

3 Counsel for Respondent faxed a response to the Board offices in Reno on the
4 afternoon of August 26, 2010, and on August 27, 2010, counsel for Respondent
5 appeared before the Committee; however, Respondent did not appear. Counsel for
6 Respondent indicated that he had advised Respondent that he need not appear,
7 although at no time did the Committee excuse Respondent from his appearance. Partial
8 records were provided as requested at the time of the meeting with additional records
9 being received the following week.

10 V.

11 The Board finds by reliable, probative and substantial evidence that Respondent
12 violated NRS 630.3065(2)(a) as alleged in Count I of the Complaint and willfully failed to
13 comply with an order of the Board or a committee designated by the Board to investigate
14 a complaint against a physician when he failed to provide either records or a response
15 as ordered by the Investigative Committee on May 12, 2010, and when he failed to
16 appear before the Investigative Committee on August 27, 2010, as ordered in the Order
17 of the Investigative Committee served upon his counsel on August 4, 2010 and on
18 Respondent on August 5, 2010.

19 VI.

20 If any of the foregoing Findings of Fact is more properly deemed a Conclusion of
21 Law, it may be so construed.

22 CONCLUSIONS OF LAW

23 I.

24 The Board has jurisdiction over Respondent.

25 II.

26 Respondent was properly served with notice of the hearing via certified mail at
27 the address on file with the Board pursuant to NRS and NAC Chapters 630 and
28 NRS Chapter 233B.

1 III.

2 The Board concludes that that Respondent has violated NRS 630.3065(2)(a) as
3 described above and, accordingly, is subject to discipline pursuant to NRS 630.352.

4 IV.

5 If any of the foregoing Conclusions of Law is more properly deemed a Finding of
6 Fact, it may be so construed.

7 ORDER


8 Based upon the foregoing Findings of Fact and Conclusions of Law, and good
9 cause appearing therefore,

10 IT IS HEREBY ORDERED that:

- 11 1. Respondent shall be issued a public reprimand;
12 2. Respondent shall pay a fine of \$4,000;
13 3. Respondent shall reimburse the Board the reasonable costs and expenses
14 incurred in the investigation and prosecution of this case in the amount of
15 \$3,914.39;
16 4. The fine and costs shall be remitted to the Board within ninety (90) days of
17 the date of filing of this Order.

18 Dated this 14th day of June, 2011.

19 NEVADA STATE BOARD OF MEDICAL EXAMINERS

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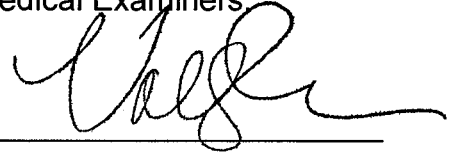
21 _____
22 Charles N. Held, M.D., President
23 Nevada State Board of Medical Examiners
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CERTIFICATION

I certify that the foregoing is the full and true original FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER on file in the office of the Board of Medical Examiners in the matter of JOSEPH EDWARDS, M.D., Case no. 10-9751-1.

I further certify that CHARLES N. HELD, M.D. is the President of the Nevada State Board of Medical Examiners and that full force and credit is due to his official acts as such; and that the signature to the foregoing ORDER is the signature of said CHARLES N. HELD, M.D.

IN WITNESS THEREOF, I have hereunto set my hand in my official capacity as Secretary-Treasurer of the Nevada State Board of Medical Examiners



VALERIE CLARK, BSN, RHU, LUTCF
Secretary-Treasurer
Nevada State Board of Medical Examiners